

House File 454 - Introduced

HOUSE FILE 454

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and KEARNS

A BILL FOR

1 An Act relating to the regulation of persons, including
2 commercial establishments, keeping nonagricultural animals,
3 providing for fees and appropriations, and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

REGULATION, FEES, AND APPROPRIATIONS

Section 1. Section 162.2, subsections 6, 14, 15, 17, 23, and 26, Code 2017, are amended by striking the subsections.

Sec. 2. Section 162.2, subsections 3, 8, 9, 10, and 27, Code 2017, are amended to read as follows:

3. *"Animal shelter"* means a ~~facility which is housing~~ facility used to receive, house, or contain dogs or cats, ~~or both,~~ or transfer vertebrate animals and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

8. *a. "Commercial breeder"* means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals dogs or cats are raised, trained, groomed, or boarded by the person.

b. Notwithstanding paragraph "a", "commercial breeder" does not mean any of the following:

(1) A person who is a small breeder, competitive show breeder, or specialized breeder.

(2) A person who owns or harbors keeps three or fewer breeding males or females is not a commercial breeder male or female dogs or cats. ~~However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.~~

9. *"Commercial establishment" or "establishment" means an any of the following:*

a. An animal rescue.

b. An animal sanctuary.

c. An animal shelter.

- 1 d. A boarding kennel.
- 2 e. A commercial breeder.
- 3 f. A commercial kennel.
- 4 g. A dealer.
- 5 h. A grooming facility.
- 6 i. A pet shop.
- 7 j. A pound.
- 8 k. A public auction, or.
- 9 l. A research facility.
- 10 m. A small breeder, competitive show breeder, or specialized
- 11 breeder.

12 10. a. "Commercial kennel" means a kennel which performs
 13 grooming, a facility where boarding, or training services are
 14 provided for dogs or cats in return for a consideration.

15 b. "Commercial kennel" does not mean a facility in which a
 16 dog or cat remains in the custody of the owner of the dog or
 17 cat.

18 27. "Vertebrate animal" or "animal" means those vertebrate
 19 animals other than members of the equine, bovine, ovine, and
 20 porcine species, and ostriches, rheas, or emus.

21 Sec. 3. Section 162.2, Code 2017, is amended by adding the
 22 following new subsections:

23 NEW SUBSECTION. 2A. "Animal rescue" means a person who
 24 during a state fiscal year receives more than six adult dogs
 25 or cats, or more than three litters of dogs or cats, and who
 26 retains custody of the dogs or cats on a temporary basis until
 27 doing any of the following:

28 a. Transferring the dogs or cats to an animal shelter,
 29 pound, or another animal rescue.

30 b. Relinquishing custody of the dogs or cats by adoption to
 31 members of the public.

32 NEW SUBSECTION. 2B. "Animal sanctuary" means a person who
 33 during a state fiscal year owns or leases and controls housing
 34 facilities where at least six adult dogs or cats have been
 35 received from one or more persons, if all of the following

1 apply:

2 *a.* When received, each dog or cat was any of the following:

3 (1) Abandoned, orphaned, or unwanted, or transferred by a
4 pound or animal shelter.

5 (2) In an impaired condition due to disease, injury, or
6 birth defect, or a threatened animal as defined in section
7 717B.1.

8 *b.* Each dog or cat is maintained by the person on a
9 permanent basis, until the death of the dog or cat, or the
10 person transfers the dog or cat to any of the following:

11 (1) An animal rescue.

12 (2) Another animal sanctuary.

13 (3) An animal shelter.

14 (4) A pound.

15 NEW SUBSECTION. 15A. "*Foster care home*" means a private
16 residence that provides a vertebrate animal with temporary
17 maintenance, including shelter and care, if the animal has
18 been accepted by a person licensed as an animal rescue,
19 animal shelter, or pound and that person is authorized by the
20 department to oversee the operations of the private residence.

21 NEW SUBSECTION. 15B. *a.* "*Grooming facility*" means a
22 business, including a salon, that as the principal part
23 of its operation, provides grooming services in return for
24 consideration.

25 *b.* "*Grooming facility*" does not mean a business that does
26 any of the following:

27 (1) Only provides grooming services at the residence of the
28 owner of the dog or cat.

29 (2) Only provides grooming services at a mobile business
30 operating at different locations.

31 (3) Operates as part of a commercial kennel that provides
32 grooming services as an incidental part of its operation.

33 (4) Operates as part of a veterinary facility that provides
34 grooming services as an incidental part of its operation.

35 (5) Keeps the dog or cat for less than twenty-four hours

1 during any one period.

2 NEW SUBSECTION. 15C. "*Grooming services*" means providing
3 a dog or cat with hygienic care or treatment to improve
4 appearance, which may include but is not limited to bathing;
5 the removal of dead hair or skin; hair clipping, shaving, or
6 brushing; nail trimming; or providing flea or tick control.

7 NEW SUBSECTION. 16A. "*License*" means an authorization to
8 operate a commercial establishment as provided in this chapter
9 regardless of whether the authorization is also referred to as
10 a permit or certificate of registration.

11 NEW SUBSECTION. 16B. "*Licensee*" means a commercial
12 establishment that operates pursuant to a license issued and
13 renewed by the department pursuant to section 162.2A.

14 NEW SUBSECTION. 16C. "*Local authority*" means the same as
15 defined in section 717B.1.

16 NEW SUBSECTION. 20A. "*Practice of veterinary medicine*"
17 means the same as defined in section 169.3.

18 NEW SUBSECTION. 24A. a. "*Small breeder, competitive show*
19 *breeder, or specialized breeder*" means a person who owns or
20 keeps dogs, if the person does all of the following:

21 (1) Breeds the dogs.

22 (2) Sells, exchanges, or leases the dogs in return for
23 consideration, or offers to sell, exchange, or lease the dogs
24 in return for consideration.

25 (3) Keeps in any state fiscal year a total of not more than
26 three litters of puppies.

27 b. "*Small breeder, competitive show breeder, or specialized*
28 *breeder*" does not mean a person who owns or keeps three or fewer
29 breeding male or female dogs.

30 c. "*Small breeder, competitive show breeder, or specialized*
31 *breeder*" does not mean a commercial breeder.

32 NEW SUBSECTION. 28. "*Veterinary facility*" means a business
33 where one or more licensed veterinarians are engaged in the
34 practice of veterinary medicine. The business may also provide
35 grooming services as an incidental part of its operation.

1 Sec. 4. Section 162.2A, Code 2017, is amended to read as
2 follows:

3 **162.2A Application, issuance, and renewal of authorizations.**

4 1. The department shall provide for the ~~operation of~~
5 issuance or renewal of a license to operate a commercial
6 establishment by issuing or renewing an authorization,
7 including any of the following. A person who owns a
8 commercial establishment shall be deemed to operate that
9 commercial establishment.

10 ~~a. A certificate of registration for a pound, animal~~
11 ~~shelter, or research facility.~~

12 ~~b. A state license for a boarding kennel, commercial kennel,~~
13 ~~or pet shop.~~

14 ~~c. A state license or permit for a commercial breeder,~~
15 ~~dealer, or public auction. A federal licensee must apply for~~
16 ~~and be issued either a permit or a state license in lieu of a~~
17 ~~permit.~~

18 2. a. A person must hold a current, valid license in order
19 to operate a commercial establishment.

20 b. A person must be issued a separate state hold a single
21 license, certificate of registration, or permit for each class
22 of commercial establishment owned or operated by the person,
23 regardless of how many locations for that class are operated
24 by the person. Each of the following is a separate class of
25 commercial establishment:

26 (1) An animal rescue.

27 (2) An animal sanctuary.

28 (3) An animal shelter.

29 (4) A boarding kennel.

30 (5) A commercial breeder.

31 (6) A commercial kennel.

32 (7) A grooming facility.

33 (8) A dealer.

34 (9) A pet shop.

35 (10) A pound.

1 (11) A public auction.

2 (12) A research facility.

3 (13) A small breeder, competitive show breeder, or
4 specialized breeder.

5 3. A person must apply for the issuance or renewal of an
6 ~~authorization~~ a license on forms and according to procedures
7 required by rules adopted by the department. The application
8 shall contain information required by the department, including
9 but not limited to all of the following:

10 a. The person's name.

11 b. The person's principal office or place of business.

12 c. The name, address, and type of establishment covered by
13 the ~~authorization~~ license.

14 d. The person's identification number. Notwithstanding
15 chapter 22, the department shall keep the person's tax
16 identification number confidential except for purposes of tax
17 administration by the department of revenue, including as
18 provided in [section 421.18](#).

19 4. ~~The authorization~~ A license expires on an annual basis
20 as provided by the department, and must be renewed by the
21 commercial establishment on an annual basis on or before the
22 ~~authorization's~~ license's expiration date.

23 5. ~~a. A commercial establishment applying for the issuance~~
24 ~~or renewal of a permit shall provide the department with proof~~
25 ~~that the person is a federal licensee.~~

26 ~~b. The department shall not require that it must enter onto~~
27 ~~the premises of a commercial establishment in order to issue a~~
28 ~~permit. The department shall not require that it must enter~~
29 ~~onto the premises of a commercial establishment in order to~~
30 ~~renew a permit, unless it has reasonable cause to monitor the~~
31 ~~commercial establishment as provided in [section 162.10C](#). The~~
32 department may deny an application for the issuance or renewal
33 of a license if the department determines that the applicant is
34 in violation of this chapter or has not demonstrated that the
35 applicant will comply with the provisions of this chapter.

1 Sec. 5. Section 162.2B, Code 2017, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **162.2B Fees.**

4 1. The department shall establish, assess, and collect
5 fees for issuing or renewing a license as provided in section
6 162.2A. The fees assessed under this section shall include a
7 base amount plus any applicable scheduled amount.

8 2. For a commercial establishment that is an animal rescue,
9 animal sanctuary, animal shelter, pound, or research facility,
10 all of the following shall apply:

11 a. The base amount equals seventy-five dollars. A single
12 base amount shall be assessed for all locations operated by the
13 commercial establishment.

14 b. A scheduled amount shall not be assessed.

15 3. For a commercial establishment that is a dealer or
16 grooming facility, all of the following shall apply:

17 a. The base amount equals one hundred dollars. A single
18 base amount shall be assessed for all locations operated by the
19 commercial establishment.

20 b. A scheduled amount shall not be assessed.

21 4. For a commercial establishment that is a boarding kennel,
22 commercial kennel, or public auction, all of the following
23 shall apply:

24 a. The base amount equals one hundred seventy-five dollars.
25 A single base amount shall be assessed for all locations
26 operated by the commercial establishment.

27 b. A scheduled amount shall not be assessed.

28 5. For a commercial establishment that is a pet shop, all
29 of the following shall apply:

30 a. The base amount equals one hundred seventy-five dollars.
31 A base amount shall be assessed for each location operated by
32 the pet shop.

33 b. (1) The scheduled amount shall be determined based on
34 the number of dogs and cats kept by the pet shop as follows:

35 (a) For at least one dog or cat but not more than twenty

1 dogs and cats, one hundred dollars.

2 (b) For more than twenty dogs and cats but not more than
3 forty dogs and cats, two hundred fifty dollars.

4 (c) For more than forty dogs and cats, five hundred dollars.

5 (2) For purposes of determining the scheduled amount under
6 this paragraph "b", a dog or cat must be recorded as on hand for
7 sale to the general public during the most recent inspection
8 of the pet shop by the department. The scheduled amount shall
9 be assessed for the total number of dogs or cats kept at all
10 locations operated by the pet shop.

11 6. For a commercial establishment that is a commercial
12 breeder, all of the following shall apply:

13 a. The base amount equals one hundred seventy-five dollars.
14 A base amount shall be assessed for each location operated by
15 the commercial breeder.

16 b. (1) The scheduled amount shall be determined based on
17 the number of dogs and cats kept by the commercial breeder as
18 follows:

19 (a) For not more than fifty dogs and cats, seventy-five
20 dollars.

21 (b) For more than fifty dogs and cats but not more than
22 seventy-five dogs and cats, two hundred fifty dollars.

23 (c) For more than seventy-five dogs and cats but not more
24 than one hundred dogs and cats, eight hundred dollars.

25 (d) For more than one hundred dogs and cats but not more
26 than two hundred fifty dogs and cats, two thousand five hundred
27 dollars.

28 (e) For more than two hundred fifty dogs and cats but not
29 more than four hundred dogs and cats, five thousand dollars.

30 (f) For more than four hundred dogs and cats, seven thousand
31 five hundred dollars.

32 (2) For purposes of determining the scheduled amount under
33 this paragraph "b", a dog or cat must be recorded as an adult
34 on hand for breeding during the most recent inspection of the
35 commercial breeder by the department of agriculture and land

1 stewardship or the United States department of agriculture.
2 The scheduled amount shall be assessed for the total number of
3 dogs or cats kept at all locations operated by the commercial
4 breeder.

5 7. For a commercial establishment that is a small breeder,
6 competitive show breeder, or specialized breeder, all of the
7 following shall apply:

8 a. The base amount equals seventy-five dollars. A single
9 base amount shall be assessed for all locations operated by
10 the small breeder, competitive show breeder, or specialized
11 breeder.

12 b. A scheduled amount shall not be assessed.

13 8. The moneys collected by the department under this section
14 shall be credited to the commercial establishment fund created
15 in section 162.2C.

16 9. The fees provided in this section shall be considered
17 repayment receipts as defined in section 8.2. The general
18 assembly shall appropriate moneys to the department each state
19 fiscal year necessary for the administration and enforcement of
20 this chapter.

21 Sec. 6. Section 162.2C, subsection 3, Code 2017, is amended
22 to read as follows:

23 3. Moneys in the fund are appropriated to the department ~~and~~
24 without further special authorization by the general assembly.
25 The moneys shall be used exclusively by the department to carry
26 out do all of the following:

27 a. Administer and enforce the provisions of this chapter
28 as determined and directed by the department, and shall not
29 require further special authorization by the general assembly.

30 b. Fully fund the animal rescue remediation fund as provided
31 in section 717B.13. For each state fiscal year, the department
32 shall transfer at least twenty thousand dollars from moneys
33 in the commercial establishment fund to the animal rescue
34 remediation fund created in section 717B.13. However, if
35 on March 1 the unobligated and unencumbered balance in the

1 animal rescue remediation fund equals more than sixty thousand
2 dollars, the department shall suspend the transfer for the
3 subsequent state fiscal year. If on March 1 of a state fiscal
4 year for which the transfer is suspended, the unobligated and
5 unencumbered balance in the animal rescue remediation fund is
6 less than forty thousand dollars, the department shall resume
7 the transfer for the subsequent state fiscal year.

8 Sec. 7. NEW SECTION. **162.3A Operation of an animal rescue**
9 **— license.**

10 1. An animal rescue shall only operate pursuant to a license
11 issued or renewed by the department as provided in section
12 162.2A. The animal rescue shall maintain records as required
13 by section 162.10 in order for the department to ensure the
14 animal rescue's compliance with the provisions of this chapter.

15 2. An animal rescue shall not maintain a dog or cat received
16 by the animal rescue in housing facilities owned or controlled
17 by the animal rescue. However, the animal rescue may arrange
18 to utilize an animal shelter, pound, or foster care home in
19 order to maintain the dog or cat.

20 Sec. 8. NEW SECTION. **162.3B Operation of an animal**
21 **sanctuary — license.**

22 1. An animal sanctuary shall only operate pursuant to a
23 license issued or renewed by the department as provided in
24 section 162.2A. The animal sanctuary shall maintain records
25 as required by section 162.10 in order for the department to
26 ensure the animal sanctuary's compliance with the provisions of
27 this chapter.

28 2. An animal sanctuary shall not buy, sell, trade,
29 auction, lease, loan, or breed any dog or cat that is owned or
30 controlled by the animal sanctuary.

31 3. An animal sanctuary shall maintain a dog or cat received
32 by the animal sanctuary in its care until the dog or cat dies
33 by natural causes, is euthanized, or is transferred to another
34 animal sanctuary, an animal rescue, an animal shelter, or a
35 pound.

1 Sec. 9. NEW SECTION. **162.6A Grooming facility — license.**

2 1. A grooming facility shall only operate pursuant to a
3 license issued or renewed by the department as provided in
4 section 162.2A. The grooming facility shall maintain records
5 as required by section 162.10 in order for the department to
6 ensure the grooming facility's compliance with the provisions
7 of this chapter.

8 2. A grooming facility shall not be in the business of
9 buying and selling vertebrate animals.

10 Sec. 10. Section 162.8, Code 2017, is amended to read as
11 follows:

12 **162.8 Operation of a commercial breeder —~~state license or~~**
13 **~~permit.~~**

14 1. A commercial breeder shall only operate pursuant to a
15 ~~state license, or a permit,~~ issued or renewed by the department
16 as provided in section 162.2A. A commercial breeder ~~who is~~
17 ~~a state licensee~~ shall maintain records as required ~~by the~~
18 ~~department in section 162.10~~ in order for the department to
19 ensure the commercial breeder's compliance with the provisions
20 of this chapter. ~~A commercial breeder who is a permittee may~~
21 ~~but is not required to maintain records.~~

22 2. A commercial breeder shall not purchase a dog or cat
23 from a commercial establishment that does not have a valid
24 authorization license issued or renewed under this chapter or
25 a similar authorization license issued or renewed by another
26 state.

27 3. A commercial breeder shall not operate an animal shelter
28 or maintain a controlling interest in an animal shelter.

29 Sec. 11. NEW SECTION. **162.9 Operation of a small breeder,**
30 **competitive show breeder, or specialized breeder — license.**

31 1. A person who is a small breeder, competitive show
32 breeder, or specialized breeder shall only operate pursuant to
33 a license issued or renewed by the department as provided in
34 section 162.2A.

35 2. A person shall not be eligible for the issuance,

1 maintenance, or renewal of a license under this section if
 2 the person holds a public auction license pursuant to section
 3 162.9A.

4 Sec. 12. NEW SECTION. **162.10 Records.**

5 1. A commercial establishment shall maintain all records
 6 required in this chapter. The department shall adopt rules
 7 regarding the types of records required to be kept and the
 8 format for keeping such records.

9 2. A commercial establishment shall maintain all records
 10 necessary for the department to assess a fee imposed for the
 11 issuance or renewal of a license pursuant to section 162.2A.

12 3. A commercial establishment shall maintain inspection
 13 reports as required in section 162.10B.

14 Sec. 13. Section 162.10B, Code 2017, is amended to read as
 15 follows:

16 **162.10B Commercial establishments — inspecting state**
 17 **licensees and registrants Inspections — general requirements.**

18 1. As a condition of issuing or renewing a license, the
 19 premises of an applicant shall be open for inspection during
 20 normal business hours.

21 2. The department shall conduct an inspection of a
 22 commercial establishment at least annually. The department may
 23 shall inspect the commercial establishment of a registrant or
 24 state licensee by entering onto its business premises at any
 25 time during normal working business hours. The department may
 26 shall inspect records required to be maintained by the state
 27 licensee or registrant commercial establishment as provided
 28 in ~~this chapter~~ section 162.10. If the owner or person in
 29 charge of the commercial establishment refuses admittance, the
 30 department may obtain an administrative search warrant issued
 31 under section 808.14. The department shall report a potential
 32 violation of chapter 717B to the local authority that has
 33 jurisdiction over the matter.

34 3. a. A commercial breeder offering to sell a dog to
 35 a person shall provide that person with the most recent

1 inspection report completed by all of the following:

2 (1) The department of agriculture and land stewardship. The
3 report shall include the recorded number of adult dogs on hand.

4 (2) The United States department of agriculture, if the
5 commercial breeder is licensed under the Animal Welfare Act.

6 b. The inspection report must be signed by the dog's
7 purchaser prior to finalizing the sale.

8 c. A copy of each applicable signed inspection report shall
9 be maintained for twelve months by the commercial breeder as
10 part of the commercial breeder's records as provided in section
11 162.10 and a copy of the signed inspection report completed by
12 the department of agriculture and land stewardship shall be
13 filed with the department.

14 Sec. 14. Section 162.10C, Code 2017, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **162.10C Inspections — restricted requirements.**

17 1. Notwithstanding section 162.10B, a person who holds
18 a grooming facility license as provided in section 162.6A is
19 subject to restricted inspection requirements. The department
20 shall conduct the annual inspection of a licensed grooming
21 facility at a scheduled time agreed to by the person and
22 the department. However, the department is not required to
23 schedule an inspection if any of the following applies:

24 a. The person is obstructing the scheduled inspection.

25 b. One or more dogs or cats kept by the person are in
26 immediate need of care.

27 2. Notwithstanding section 162.10B, a person who holds a
28 small breeder, competitive show breeder, or specialized breeder
29 license as provided in section 162.9 is subject to restricted
30 inspection requirements as follows:

31 a. The person is exempt from the inspection requirements
32 of section 162.10B for the period of the license if the person
33 submits evidence to the department that each dog kept by the
34 person complies with all of the following:

35 (1) Has been examined by a licensed veterinarian within

1 the twelve months prior to the person's application for the
2 issuance or renewal of the license.

3 (2) Received all vaccinations as prescribed by the
4 department based on recommendations of the American veterinary
5 medical association or American animal hospital association.

6 b. If the person does not comply with paragraph "a", the
7 department shall conduct the annual inspection at a scheduled
8 time agreed to by the person and the department. However, the
9 department is not required to schedule an inspection if any of
10 the following applies:

11 (1) The person is obstructing the scheduled inspection.

12 (2) One or more dogs kept by the person are in immediate
13 need of care.

14 Sec. 15. Section 162.10D, subsections 1 and 2, Code 2017,
15 are amended to read as follows:

16 1. The department may take disciplinary action against a
17 person by suspending or revoking the person's ~~authorization~~
18 license for violating a violation of a provision of this
19 chapter or chapter 717B, or who commits for the commission of
20 an unlawful practice under section 714.16. The department may
21 take primary and secondary disciplinary action as follows:

22 a. Primary disciplinary action may be taken against a person
23 who operates the commercial establishment where the violation
24 occurred.

25 b. Secondary disciplinary action may be taken against a
26 person who operates another class of commercial establishment
27 under a separate license pursuant to section 162.2A if such
28 person is the same as the person who is subject to primary
29 disciplinary action under paragraph "a".

30 2. The department may require an owner, operator, or
31 employee of a commercial establishment subject to disciplinary
32 action under subsection 1 to complete a continuing education
33 program as a condition for retaining ~~an authorization~~
34 a license. This section does not prevent a person from
35 voluntarily participating in a continuing education program.

1 However, a continuing education program completed voluntarily
2 prior to the imposition of the department's disciplinary action
3 shall not be part of such disciplinary action.

4 Sec. 16. Section 162.11, subsection 1, Code 2017, is amended
5 by striking the subsection and inserting in lieu thereof the
6 following:

7 1. This chapter does not apply to the operation of a
8 veterinary facility, including any activity that would
9 otherwise classify the veterinary facility as a commercial
10 establishment so long as the activity is incidental to the
11 practice of veterinary medicine. If the operations are
12 conducted at an establishment in which the operations of the
13 veterinary facility are segregated, this chapter shall apply
14 only to that part of the establishment that does not operate as
15 a veterinary facility.

16 Sec. 17. Section 162.11, subsection 2, Code 2017, is amended
17 by striking the subsection.

18 Sec. 18. Section 162.11, subsection 3, Code 2017, is amended
19 to read as follows:

20 3. ~~This chapter~~ does not apply to a noncommercial kennel
21 at, in, or adjoining a private residence where dogs or cats are
22 kept, ~~for the hobby of the householder,~~ if the dogs or cats
23 are used for hunting, for practice training, for exhibition
24 at shows or field or obedience trials, or for guarding or
25 protecting the householder's property. However, the dogs
26 or cats must not be kept for breeding if a person receives
27 consideration for providing the breeding.

28 Sec. 19. Section 162.11, Code 2017, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 4. This chapter does not apply to a person
31 who owns, keeps, breeds, or transports a greyhound dog for use
32 at a dog racetrack facility regulated by the racing and gaming
33 commission under chapter 99D.

34 Sec. 20. NEW SECTION. 162.13A Criminal actions.

35 The attorney general or a county attorney may bring criminal

1 action in order to enforce the provisions of this chapter.

2 Sec. 21. NEW SECTION. **162.13B Injunctive relief.**

3 A court of this state may prevent or restrain a violation
4 of this chapter through the issuance of an injunction. The
5 attorney general or a county attorney shall institute a suit on
6 behalf of the state to prevent or restrain a violation of this
7 chapter.

8 Sec. 22. Section 162.20, subsection 4, paragraph c, Code
9 2017, is amended to read as follows:

10 c. A pound or animal shelter which knowingly fails to
11 provide for the sterilization of a dog or cat is subject to a
12 civil penalty of up to two hundred dollars. The department
13 may enforce and collect civil penalties according to rules
14 which shall be adopted by the department. Each violation shall
15 constitute a separate offense. Moneys Notwithstanding section
16 162.11, subsection 4, moneys collected from civil penalties
17 shall be deposited into the general fund of the state and
18 are appropriated on July 1 of each year in equal amounts to
19 each track licensed to race dogs to support the racing dog
20 adoption program as provided in section 99D.27. Upon the third
21 offense, the department may suspend or revoke a certificate
22 of registration license issued to the pound or animal shelter
23 pursuant to this chapter section 162.2A. The department may
24 bring an action in district court to enjoin a pound or animal
25 shelter from transferring animals in violation of this section.
26 In bringing the action, the department shall not be required
27 to allege facts necessary to show, or tending to show, a lack
28 of adequate remedy at law, that irreparable damage or loss
29 will result if the action is brought at law, or that unique or
30 special circumstances exist.

31 Sec. 23. Section 162.20, subsection 5, paragraphs b and c,
32 Code 2017, are amended to read as follows:

33 b. The transfer of a dog or cat by a pound or animal
34 shelter which has obtained an enforcement waiver issued
35 by the department. The pound or shelter may apply for an

1 annual waiver each year as provided by rules adopted by
 2 the department. The department shall grant a waiver, if it
 3 determines that the pound or animal shelter is subject to
 4 an ordinance by a city or county which includes stricter
 5 requirements than provided in this section. The department
 6 shall not charge more than ten dollars as a waiver application
 7 fee. The fees collected by the department shall be deposited
 8 in the ~~general fund of the state~~ animal rescue remediation fund
 9 created in section 717B.13.

10 c. The transfer of a dog or cat to a research facility as
 11 defined in section 162.2 or a person licensed by the United
 12 States department of agriculture as a class B dealer pursuant
 13 to 9 C.F.R. ch. 1, subch. A, pt. 2. However, a class B dealer
 14 who receives an unsterilized dog or cat from a pound or animal
 15 shelter shall either sterilize the dog or cat or transfer the
 16 unsterilized dog or cat to a research facility provided in this
 17 paragraph. ~~The class B dealer shall not transfer a dog to a~~
 18 ~~research facility if the dog is a greyhound registered with the~~
 19 ~~national greyhound association and the dog raced at a track~~
 20 ~~associated with pari-mutuel racing unless the class B dealer~~
 21 ~~receives written approval of the transfer from a person who~~
 22 ~~owned an interest in the dog while the dog was racing.~~

23 Sec. 24. NEW SECTION. 162.21 Sterilization — animal
 24 sanctuaries.

25 1. An animal sanctuary receiving a dog or cat shall provide
 26 for the sterilization of the dog or cat using the veterinary
 27 procedures prescribed in section 162.20.

28 2. An animal sanctuary shall provide for the sterilization
 29 within ten days from the date that the animal sanctuary
 30 receives the dog or cat, unless any of the following apply:

31 a. The department imposes a stricter requirement by rule.

32 b. A licensed veterinarian grants an extension of the
 33 period required for the completion of the sterilization, if the
 34 extension is based on the health of the dog or cat.

35 3. a. An animal sanctuary that knowingly fails to provide

1 for the sterilization of a dog or cat is subject to a civil
2 penalty of up to two hundred dollars.

3 **b.** The department may enforce and collect civil penalties
4 according to rules which shall be adopted by the department.
5 Each violation shall constitute a separate violation. Moneys
6 collected from civil penalties shall be credited to the animal
7 rescue remediation fund created in section 717B.13.

8 **4.** Upon the third violation of this section, the department
9 may suspend or revoke the license issued to the animal
10 sanctuary pursuant to section 162.2A.

11 **5.** The department may bring an action in district court
12 to enjoin an animal sanctuary from transferring animals in
13 violation of this section in the same manner as provided in
14 section 162.20.

15 **6.** This section shall not apply to the return of a dog or
16 cat to its owner by an animal sanctuary, except as provided by
17 rules adopted by the department.

18 **Sec. 25.** Section 717B.1, Code 2017, is amended by adding the
19 following new subsection:

20 **NEW SUBSECTION.** 3A. "*Commercial establishment*" means the
21 same as defined in section 162.2.

22 **Sec. 26.** Section 717B.4, subsection 3, paragraph a, Code
23 2017, is amended to read as follows:

24 **a.** The court may order the responsible party to pay an
25 amount which shall not be more than the dispositional expenses
26 incurred by the local authority. The court may also award
27 the local authority court costs, reasonable attorney fees and
28 expenses related to the investigation and prosecution of the
29 case, which shall be taxed as part of the costs of the action.
30 The amount shall be paid to the animal rescue remediation fund
31 created in section 717B.13 to the extent that moneys from the
32 fund were expended to pay for dispositional expenses.

33 **Sec. 27.** Section 717B.5, Code 2017, is amended by adding the
34 following new subsection:

35 **NEW SUBSECTION.** 3A. The local authority may apply to the

1 department for reimbursement of expenses incurred by the local
2 authority in providing for the maintenance of the animal.

3 Sec. 28. NEW SECTION. 717B.13 **Animal rescue remediation**
4 **fund.**

5 1. An animal rescue remediation fund is created as a
6 separate fund in the state treasury under the control of the
7 department of agriculture and land stewardship. The general
8 fund of the state is not liable for claims presented against
9 the fund.

10 2. The fund consists of moneys appropriated to the fund,
11 moneys transferred from the commercial establishment fund as
12 provided in section 162.2C, moneys credited to the fund as
13 provided in sections 162.20 and 162.21, sums collected on
14 behalf of the fund through legal action or settlement, and
15 moneys contributed to the fund from other sources.

16 3. The moneys in the fund are appropriated to the department
17 to reimburse a local authority for expenses incurred for the
18 rescuing of an animal from a commercial establishment as
19 provided in section 717B.5, for the maintenance of an animal
20 as provided in section 717B.5, and for the disposition of an
21 animal as provided in section 717B.4.

22 4. The department shall utilize moneys from the fund only to
23 the extent that the department determines that expenses cannot
24 be timely paid by utilizing the available provisions of section
25 717B.4.

26 5. The department shall provide payment to a local authority
27 upon a claim submitted by the local authority to the department
28 according to procedures required by the department. Upon
29 a determination that the claim is eligible for payment,
30 the department shall reimburse the local authority for that
31 amount. However, if the department determines that only
32 a portion of the claim is eligible, the department shall
33 only pay the eligible portion. If the department determines
34 that insufficient moneys are available to make payment of
35 all claims, the department may defer paying all or part of

1 specified claims. The department shall hold deferred claims
 2 for payment when the department determines that the fund again
 3 contains sufficient moneys.

4 6. Moneys in the fund shall not be subject to appropriation
 5 or expenditure for any other purpose than provided in this
 6 section and section 162.2C.

7 7. Notwithstanding section 12C.7, interest earned on
 8 amounts deposited in the fund shall be credited to the fund.
 9 Notwithstanding section 8.33, any unexpended or unencumbered
 10 moneys remaining in the fund at the end of the fiscal year
 11 shall not revert to the general fund of the state, but the
 12 moneys shall remain available for expenditure by the authority
 13 in succeeding fiscal years.

14 Sec. 29. CURRENT AUTHORIZATIONS.

15 1. A current valid certificate of registration issued or
 16 renewed by the department of agriculture and land stewardship
 17 to an animal shelter, pound, or research facility under section
 18 162.2A prior to the effective date of this Act shall remain
 19 valid until it expires according to its terms when issued or
 20 renewed.

21 2. A current valid state license issued or renewed by the
 22 department of agriculture and land stewardship to a commercial
 23 kennel that operates as a grooming facility as defined in
 24 section 162.2, as amended in this Act, shall remain valid until
 25 it expires according to the terms when issued or renewed.

26 DIVISION II

27 COORDINATING PROVISIONS

28 Sec. 30. Section 162.3, Code 2017, is amended to read as
 29 follows:

30 162.3 Operation of a pound — ~~certificate of registration~~
 31 license.

32 A pound shall only operate pursuant to a ~~certificate of~~
 33 ~~registration~~ license issued or renewed by the department as
 34 provided in [section 162.2A](#). A pound may sell dogs or cats
 35 under its control if sales are allowed by the department. The

1 pound shall maintain records as required ~~by the department~~
 2 in section 162.10 in order for the department to ensure the
 3 pound's compliance with the provisions of [this chapter](#).

4 Sec. 31. Section 162.4, Code 2017, is amended to read as
 5 follows:

6 **162.4 Operation of an animal shelter — ~~certificate of~~**
 7 **registration license.**

8 An animal shelter shall only operate pursuant to a
 9 ~~certificate of registration license~~ issued or renewed by the
 10 department as provided in [section 162.2A](#). An animal shelter
 11 may sell dogs or cats if sales are allowed by the department.
 12 The animal shelter facility shall maintain records as required
 13 ~~by the department in section 162.10~~ in order for the department
 14 to ensure the animal shelter's compliance with the provisions
 15 of [this chapter](#).

16 Sec. 32. Section 162.4A, Code 2017, is amended to read as
 17 follows:

18 **162.4A Operation of a research facility — ~~certificate of~~**
 19 **registration license.**

20 1. A research facility shall only operate pursuant to
 21 a ~~certificate of registration license~~ issued or renewed by
 22 the department as provided in [section 162.2A](#). The research
 23 facility shall maintain records as required ~~by the department~~
 24 in section 162.10 in order for the department to ensure the
 25 research facility's compliance with the provisions of this
 26 chapter.

27 2. A research facility shall not purchase a dog or cat
 28 from a commercial establishment that does not have a valid
 29 ~~authorization license~~ issued or renewed under [this chapter](#) or
 30 a similar ~~authorization license~~ issued or renewed by another
 31 state.

32 Sec. 33. Section 162.5, Code 2017, is amended to read as
 33 follows:

34 **162.5 Operation of a pet shop — ~~state~~ license.**

35 1. A pet shop shall only operate pursuant to a ~~state~~

1 license issued or renewed by the department pursuant to section
2 162.2A. The pet shop shall maintain records as required by the
3 ~~department~~ section 162.10 in order for the department to ensure
4 the pet shop's compliance with the provisions of [this chapter](#).

5 2. A pet shop shall not purchase a dog or cat from
6 a commercial establishment that does not have a valid
7 ~~authorization~~ license issued or renewed under [this chapter](#) or
8 a similar ~~authorization~~ license issued or renewed by another
9 state.

10 Sec. 34. Section 162.5A, Code 2017, is amended to read as
11 follows:

12 **162.5A Operation of a boarding kennel — state license.**

13 A boarding kennel shall only operate pursuant to a ~~state~~
14 license issued or renewed by the department as provided in
15 section 162.2A. The boarding kennel shall maintain records as
16 required by ~~the department~~ section 162.10 in order for the
17 department to ensure the boarding kennel's compliance with
18 the provisions of [this chapter](#). A boarding kennel shall not
19 purchase a dog or cat from a commercial establishment that
20 does not have a valid ~~authorization~~ license issued or renewed
21 under [this chapter](#) or a similar ~~authorization~~ license issued or
22 renewed by another state.

23 Sec. 35. Section 162.6, Code 2017, is amended to read as
24 follows:

25 **162.6 Operation of a commercial kennel — state license.**

26 A commercial kennel shall only operate pursuant to a ~~state~~
27 license issued or renewed by the department as provided in
28 section 162.2A. A commercial kennel shall maintain records
29 as required by ~~the department~~ section 162.10 in order for the
30 department to ensure the commercial kennel's compliance with
31 the provisions of [this chapter](#). A commercial kennel shall not
32 purchase a dog or cat from a commercial establishment that
33 does not have a valid ~~authorization~~ license issued or renewed
34 under [this chapter](#) or a similar ~~authorization~~ license issued or
35 renewed by another state.

1 Sec. 36. Section 162.7, Code 2017, is amended to read as
2 follows:

3 **162.7 Operation of a dealer — state license ~~or permit~~.**

4 A dealer shall only operate pursuant to a ~~state license,~~
5 ~~or a permit,~~ issued or renewed by the department as provided
6 in [section 162.2A](#). A dealer ~~who is a state licensee~~ shall
7 maintain records as required by ~~the department~~ [section 162.10](#)
8 in order for the department to ensure compliance with the
9 provisions of [this chapter](#). A dealer ~~who is a permittee may~~
10 ~~but is not required to maintain records.~~ A dealer shall not
11 purchase a dog or cat from a commercial establishment that
12 does not have a valid [authorization license](#) issued or renewed
13 under [this chapter](#) or a similar [authorization license](#) issued or
14 renewed by another state.

15 Sec. 37. Section 162.9A, Code 2017, is amended to read as
16 follows:

17 **162.9A Operation of a public auction — state license ~~or~~**
18 **~~permit~~.**

19 1. A public auction shall only operate pursuant to a ~~state~~
20 ~~license, or a permit,~~ issued or renewed by the department as
21 provided in [section 162.2A](#). A public auction ~~which is a state~~
22 ~~licensee~~ shall maintain records as required by ~~the department~~
23 [section 162.10](#) in order for the department to ensure the public
24 auction's compliance with the provisions of [this chapter](#). A
25 ~~public auction which is a permittee may but is not required to~~
26 ~~maintain records.~~ A public auction shall not purchase a dog or
27 cat from a commercial establishment that does not have a valid
28 [authorization license](#) issued or renewed under [this chapter](#) or
29 a similar [authorization license](#) issued or renewed by another
30 state.

31 2. A person shall not be eligible for the issuance,
32 maintenance, or renewal of a license under this section if the
33 person holds a small breeder, competitive show breeder, or
34 specialized breeder license under section 162.9.

35 Sec. 38. Section 162.10A, subsection 2, Code 2017, is

1 amended by striking the subsection.

2 Sec. 39. Section 162.12, Code 2017, is amended to read as
3 follows:

4 **162.12 Denial of application or revocation of license or**
5 **registration.**

6 ~~A certificate of registration~~ An application for a license
7 ~~may be denied to any animal shelter, pound, or research~~
8 ~~facility and a state license may be denied to any public~~
9 ~~auction, boarding kennel, commercial kennel, pet shop,~~
10 ~~commercial breeder, or dealer, or an existing certificate of~~
11 ~~registration or state license may be revoked by the secretary~~
12 ~~if, after public hearing, it is determined that the housing~~
13 ~~facilities or primary enclosures of a commercial establishment~~
14 ~~are inadequate under this chapter or if the feeding, watering,~~
15 ~~cleaning, and housing practices at the animal rescue, animal~~
16 ~~sanctuary, pound, animal shelter, public auction, pet shop,~~
17 ~~boarding kennel, commercial kennel, grooming facility, or~~
18 ~~research facility, or those practices by the commercial~~
19 ~~breeder, or dealer, or small breeder, competitive show breeder,~~
20 ~~or specialized breeder~~ are not in compliance with this chapter
21 ~~or with the rules adopted pursuant to this chapter.~~ The
22 ~~premises of each registrant or state licensee shall be open for~~
23 ~~inspection during normal business hours.~~

24 Sec. 40. Section 162.12A, subsection 1, paragraph a, Code
25 2017, is amended to read as follows:

26 a. A commercial establishment that operates pursuant to an
27 ~~authorization~~ a license issued or renewed under this chapter
28 is subject to a civil penalty of not more than five hundred
29 dollars, regardless of the number of animals possessed or
30 controlled by the commercial establishment, for violating this
31 chapter. Except as provided in paragraph "b", each day that a
32 violation continues shall be deemed a separate offense.

33 Sec. 41. Section 162.12A, subsection 2, Code 2017, is
34 amended to read as follows:

35 2. A commercial establishment that does not operate

1 pursuant to ~~an authorization~~ a license issued or renewed under
 2 this chapter is subject to a civil penalty of not more than one
 3 thousand dollars, regardless of the number of animals possessed
 4 or controlled by the commercial establishment, for violating
 5 this chapter. Each day that a violation continues shall be
 6 deemed a separate offense.

7 Sec. 42. Section 162.13, subsections 1 and 3, Code 2017, are
 8 amended to read as follows:

9 1. A person who operates a commercial establishment without
 10 ~~an authorization~~ a license issued or renewed by the department
 11 as required in section 162.2A is guilty of a simple misdemeanor
 12 and each day of operation is a separate offense.

13 3. The failure of a person who owns or operates a commercial
 14 establishment to meet the requirements of this section is
 15 also cause for the suspension or revocation of the person's
 16 ~~authorization~~ license as provided in section 162.10D.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
 19 the explanation's substance by the members of the general assembly.

20 CURRENT LAW. Code chapter 162 provides for the regulation
 21 of commercial establishments that possess or control animals,
 22 other than animals used for an agricultural purpose (Code
 23 section 162.1), by the department of agriculture and land
 24 stewardship (DALS). Commercial establishments include animal
 25 shelters, pounds, and research facilities which are required
 26 to obtain a certificate of registration; boarding kennels,
 27 commercial kennels, and pet shops which are required to
 28 obtain a state license; and commercial breeders, dealers, and
 29 public auctions which are required to obtain a state license
 30 or a permit if licensed by the United States department of
 31 agriculture (USDA) (Code section 162.2A).

32 BILL'S PROVISIONS. This bill refers to each type of
 33 commercial establishment as a class and requires that a person
 34 operating one or more commercial establishments of the same
 35 class obtain a single license. The bill also creates four new

1 types of licenses for: (1) grooming facilities, (2) animal
2 rescues, (3) animal sanctuaries, and (4) small breeders,
3 competitive show breeders, or specialized breeders. The bill
4 also recognizes animal foster care homes that temporarily
5 maintain dogs or cats on behalf of animal rescues, animal
6 shelters, and pounds. The bill replaces the current fee system
7 with one that includes the assessment of a base amount and
8 the possible assessment of a scheduled amount based on class.
9 The moneys from fees are still deposited into the commercial
10 establishment fund. However, an amount is to be transferred
11 to a new animal rescue remediation fund also under the control
12 of DALs. The bill requires DALs to perform inspections and
13 licensees to maintain records. The bill provides that DALs may
14 take disciplinary action by suspending or revoking the person's
15 license. It provides that any continuing education program
16 voluntarily completed by a person operating a commercial
17 establishment prior to a disciplinary action is not considered
18 part of such action. The bill provides for the sterilization
19 of dogs or cats that are in the custody of an animal sanctuary.
20 Greyhound dogs used in pari-mutuel wagering are exempted from
21 regulation. Finally, the bill provides that the attorney
22 general or a county attorney may bring a criminal action in
23 order to enforce the provisions of the Code chapter and allows
24 a court to provide injunctive relief.